UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,787	03/30/2001	Maureen McMahon	ROXIP204	7422

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EXAMINER
SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*17 January 2006*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7-15 and 17-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7-15 and 17-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*06 July 2001*</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Claims 1-5, 7-15, and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of "MiniDisc Manager – WinAmp Playlist Recorder ReadMe" by William Hollingworth and "Oscar Mp3 Player (2) Part 2 (final): operation and measurement results" by Kurpiers et al. (hereinafter Hollingworth and Kurpiers, respectively).

3.   Regarding claim 1, Hollingworth teaches a method for recording MP3 files to optical media (p. 1, para. 1-2), wherein a project to record audio files is initiated, browsing the MP3 files at a source location, selecting MP3 files, causing an automatic construction of a playlist of MP3 files to be executed at the destination optical media (p. 3, para. 1, #2-8). Hollingworth does not teach filtering to identify only MP3 files, however Hollingworth teaches the use of WinAmp V2.5e (p. 2, para. 6, #3), which allows the user to initiate project filtering through a browse files dialog. The Office takes *Official Notice* that WinAmp can filter MP3 files in the browse dialog. Hollingworth does not teach recording the playlist to the destination optical media. Kurpiers teaches a method of recording MP3 files and a playlist to an optical disc (p. 42, Playlists and Programmes). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Hollingworth and Kurpiers for the purpose of keeping track of the large amount of media files that can be contained on the CD. It

is obvious to one of ordinary skill in the art of the invention that a plurality of playlists

can index the audio MP3 files in many different categories according to the construction

of the playlists.

4.   Regarding claim 2, the further limitation of claim 1, Hollingworth teaches

selecting a MP3 project of a media recording application (p. 1, para 2).

5.   Regarding claim 3, the further limitation of claim 2, Hollingworth teaches

configuring the media recording application for a data recording session (p. 2, "How

Does It Work?", para. 2-5).

6.   Regarding claim 4, the further limitation of claim 3, Kurpiers teaches a CD player

OSCAR. OSCAR supports a Joliet format (see the included reference OSCAR User

Manual Version A4, p. 3, bullet 7).

7.   Regarding claim 5, the further limitation of claim 2, Hollingworth teaches the use

of WinAmp, wherein WinAmp uses a graphical user interface (GUI) to display MP3 files

for browsing and selecting. The Office takes *Official Notice* that WinAmp provides this

GUI.

8.   Regarding claim 7, the further limitation of claim 1, the combination teaches

editing the playlist prior to recording the selected MP3 files and playlist to the optical

media.

9.   Regarding claim 8, the further limitation of claim 7, the combination teaches a

GUI for editing the playlist. This feature is provided through WinAmp.

10.   Regarding claim 9, the further limitation of claim 7, the OSCAR User Manual

teaches that the playlist file, i.e. the m3u file, is comprised of just a list of file paths and

file names pointing to the files for playback on the destination media (p. 16, "Playlists on CD ROM or hard disk (.M3U-Files)").

11.   Regarding claim 10, see the preceding argument with respect to claim 1. The combination of Hollingworth and Kurpiers teaches computer media with these features.

12.   Regarding claim 11, the further limitation of claim 10, see the preceding argument with respect to claim 2. The combination teaches these features.

13.   Regarding claim 12, the further limitation of claim 10, see the preceding argument with respect to claim 3. The combination teaches these features.

14.   Regarding claim 13, the further limitation of claim 12, see the preceding argument with respect to claim 4. The combination teaches these features.

15.   Regarding claim 14, the further limitation of claim 10, see the preceding argument with respect to claim 9. The combination teaches these features.

16.   Regarding claim 15, see the preceding argument with respect to claim 1. The combination teaches these features.

17.   Regarding claim 17, the further limitation of claim 15, see the preceding argument with respect to claim 9. The combination teaches these features.

18.   Regarding claim 18, the further limitation of claim 15, see the preceding argument with respect to claim 5. The combination teaches these features.

19.   Regarding claim 19, the further limitation of claim 15, the combination teaches the use of WinAmp, wherein the Office takes *Official Notice* that WinAmp provides a GUI that displays the MP3 files in at least one source location and a separate display of the selected particular ones of the MP3 files.

20.   Regarding claim 20, the further limitation of claim 15, the combination teaches M3U playlist files, wherein the building data structure includes keeping a list in memory of the selected particular ones of the MP3 files in an order in which they were selected.

21.   Regarding claim 21, see the preceding argument with respect to claim 1. The combination teaches these features.

22.   Regarding claim 22, the further limitation of claim 21, see the preceding argument with respect to claim 2. The combination teaches these features.

23.   Regarding claim 23, the further limitation of claim 21, the combination teaches a GUI, see the preceding argument with respect to claims 1, 5, and 19.

24.   Regarding claim 24, the further limitation of claim 21, see the preceding argument with respect to claim 9. The combination teaches these features.

25.   Regarding claim 25, the further limitation of claim 24, see the preceding argument with respect to claim 7. The combination teaches these features.

26.   Regarding claim 26, the further limitation of claim 25, the Office takes *Official Notice* that WinAmp provides the functions of importing a playlist and adding, or combining, another playlist.

Response to Arguments

27.   Applicant's arguments with respect to claims 1-5, 7-15, and 17-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Katinsky et al., U.S. Pat. No. 6,452,609.

29.   The applicant is reminded that Technology Center 2600 has undergone restructuring as of March 19, 2006. Any **further communication** regarding this application should **indicate the new Art Unit 2615** (old art unit 2644).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS